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COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JOHN Y. BROWN III
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

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ALBERT B. CHANDLER III
ATTORNEY GENERAL

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE ORDER 01-01

WHEREAS, the Attorney General pursuant to KRS 367 has statutory responsibility to protect certain consumer interests related to cemeteries; and,

WHEREAS, there are 917 regulated cemeteries in Kentucky of which 70% are exempt from regulation; and

WHEREAS, the maintenance and integrity of these cemeteries are of utmost importance to the history of virtually every Kentuckian; and

WHEREAS, these cemeteries serve as reminders of our proud state history and family heritage; and

WHEREAS, the conditions of some of Kentucky's cemeteries have been the subject of extensive media attention because of unkempt appearances, historical practices of overburying, and the mismanagement of monies set aside for the cemeteries' perpetual care; and

WHEREAS, the impoverished state of some of the cemeteries is evidenced by the inability to address the overgrowth, property damage, and other damage plaguing the cemeteries; and

WHEREAS, the maintenance of some cemeteries has been left in the hands of well meaning volunteers, institutions, and community organizations who do not have adequate financial resources; and

WHEREAS, the loved ones of the deceased may or may not be able to provide needed maintenance and respectful attention; and



WHEREAS, consumers' trust has been violated and has caused those who have purchased plots to incur additional financial expenses in relocating their loved ones; and

WHEREAS, Kentuckians are interred in cemeteries each year.

NOW, THEREFORE, I, Albert B. Chandler III, Attorney General, hereby creates the Task Force on Preservation of Kentucky Cemeteries:

Section 1. The Task Force on the Preservation of Kentucky Cemeteries is created to study the financial and physical conditions of cemeteries in the Commonwealth and recommend a long-term solution for addressing the needs of those cemeteries that have existing or potential problems with their maintenance and solvency, and to recommend any immediate actions which may be implemented to address public safety and maintenance issues.

Section 2. The Task Force shall consist of the following:

- (1) A member of the Senate;
- (2) A member of the House of Representatives;
- (3) The Attorney General or his designee;
- (4) The Executive Director of the Kentucky League of Cities or his or her designee;
- (5) The Executive Director of the Kentucky Association of Counties or his or her designee;
- (6) The Executive Director of the Kentucky Heritage Council or his or her designee;
- (7) The Chair of the Kentucky Council of Churches or his or her designee;
- (8) The Chair of the Catholic Conference of Kentucky or his or her designee;
- (9) The Chair of the Kentucky Jewish Federation or his or her designee;
- (10) The Chair of the University of Louisville Department of Anthropology or his or her designee;
- (11) The President of Kentucky State University or his or her designee;
- (12) The Director of the Kentucky Historical Society or his or her designee;
- (13) A representative of the Kentucky Military Affairs Commission;
- (14) A representative of the American Association of Retired Persons;
- (15) A representative of the Native American Heritage Commission;

- (16) A representative of the African American Heritage Commission;
- (17) Two representatives of local community or volunteer organizations;
- (18) Two representatives of local government;
- (19) A representative of the Kentucky Funeral Directors Association;
- (20) A representative of the Kentucky Association of Morticians;
- (21) A representative of the African American Funeral Directors Association; and
- (22) A representative of the Kentucky Cemetery Association.

Section 3. The Attorney General shall designate a Chair of the Task Force.

Section 4. The Task Force shall submit its report to the Attorney General by September 30, 2001. The Attorney General will forward the report to the Speaker of the House of Representatives and the President of the Senate for consideration. The report shall address:


- (1) The role of state and local government in overseeing the cemeteries;
- (2) The cemeteries in the Commonwealth in need of maintenance, upkeep, or improvement;
- (3) The condition of cemeteries maintained by the Department of Parks under KRS 148.161;
- (4) The number of cemeteries in the Commonwealth that are insolvent or that are facing insolvency in the near future;
- (5) The impact of the in-kind services provided to the cemeteries from community organizations and governments, nonprofit organizations, and other civic-minded persons and groups;
- (6) The number of abandoned cemeteries in the state;
- (7) The availability of cemetery space in the geographic areas of the state;
- (8) The identification of federal or private funding sources for cemeteries;
- (9) The suitability of applying funding mechanisms used in other states to resolve identified concerns;
- (10) Recommendations for abating the problems or inadequacies noted in the study; and
- (11) Establish a system for citizens to report cemeteries that are private and are exempt but may need attention by state and /or local government.

Section 5. The Task Force shall also review the feasibility of establishing a permanent cataloguing of historical cemetery information at Kentucky State University to preserve our heritage and facilitate research and future preservation activities statewide. Kentucky State University would interact with the University of Louisville, the University of Kentucky and any other state university, public or private, with expertise in the areas of cemetery research.

Section 6. Travel expenses shall be reimbursed in accordance with 200 KAR 2:006.

Section 7. The Office of the Attorney General shall provide the staff assistance.

Section 8. Upon submission of the report to the Attorney General, the Task Force shall be abolished.


Albert B. Chandler III
Attorney General

5/21/01
Date


John Y. Brown III
Secretary of State

5/21/01
Date